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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,789	11/15/2001	Joseph Celi JR.	BOC9-2001-0037 (280)	4876
40987	7590	06/16/2005	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/003,789

Applicant(s)

CELI ET AL.

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

2. Claim 1 recites the limitations "conferencing within an application level component an additional party into said voice browsing session, said conference ...". There are Lack clear antecedent basis for this limitation in the claim. Failure to make appropriate correction could lead to 35 USC § 112 rejections. For the purpose of examining, the limitation "conferencing within an application level component an additional party into said voice browsing session, said conference" will be interpreted as -- establishing a conference within an application level component an additional party into said voice browsing session, said conference --.

Claim 9 has the same defect.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-3, 9-11, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelleher et al. (Pub.No: US 2002/0118808).

Regarding claim 1, Kelleher et al. teach the steps of: establishing a voice browsing session between a calling party (user 20a) and the voice browser (Fig. 1, voice browser 53) provided by a voice server (Fig. 1, voice server 55) that interfaces

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with a telephony network (Fig. 1, communication network 70) via a gateway (Fig. 1, in web portal system 25 and user interface 32) (page 2, [0017] – *where Kelleher et al. discussed to operate the conference, initializing user 20a invokes the user interface 32 via a user interface device 36, voice browser 53 answers the phone*); and conferencing within an application level component (page 2, [0022], lines 9-15 - *where Kelleher discussed using the conference program 48 to connect users*) connects parties or users into the voice browsing session, conference providing a voice communications link between the calling party and additional party established via the telephony network (page 3, [0021] and [0022]).

Kelleher et al. do not explicitly teach conferencing within an application level component additional party into the voice browsing session.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that connecting or initiating a conference call to a user or group of users is conferencing additional party into the voice browsing session.

Regarding claims 2 and 10, Kelleher et al. teach the conferencing step conferences additional parties into the voice browsing session and wherein the application level component is a voice markup application (page 2, [0022]).

Regarding claims 3 and 11, Kelleher et al. teach providing an identifier associated with said additional party from the voice browser to the conferencing component (page 2, [0017], lines 1-13); and initiating an outbound call from the conferencing component to the additional party (page 3, [0022], lines 9-15).

Claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Kelleher et al. teach a machine-readable storage, having stored a computer program having a plurality of code sections executable by a machine (page 1, [0012], lines 10-19, page 3 [0013], conference client program 48, conference calling program 60).

Regarding claims 14-16, Kelleher et al. teach conferencing step occurs within a VoiceXML programming environment (page 2, [0013]).

3. Claims 4-8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelleher et al. (Pub.No: US 2002/0118808) in view of Rabenko et al. (U.S. Patent 6,765,931).

Claims 4-5, 7, and 12-13 are rejected for the same reasons as discussed with respect to claims 1 and 2. Kelleher et al. do not teach aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream.

Rabenko et al. teach aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream (col. 69, line 51 through col. 70, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream, as taught by Rabenko, in Kelleher's system in order to establish a conference

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call. This is the obvious and only way to establish conference call so that all participants can listen and participate to a single voice data stream.

Claim 6 is rejected for the same reasons as discussed above with respect to claims 1 and 4.

Regarding claim 8, Kelleher et al. do not teach a discriminator configured to discriminate between a voice data stream of the calling party and the additional party and selectively route audio from the voice browser to at least one voice browser.

Rabenko et al. teach a discriminator configured to discriminate between a voice data stream of the calling party and the additional party and selectively route audio from the voice browser to at least one voice browser (col. 47, lines 20-32).

Discriminating whose voice in a conference or telephone conversation is desirable. The advantage of distinguishing the voice of a person that is talking during any conversation is also well known. For example, in a call center, while a customer service representative or agent is helping a customer, discriminating the voice of the agent and the customer is helpful to know that during the conversation between the agent and the customer how long the agent spent talking.

### ***Response to Arguments***

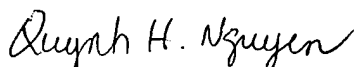
4. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejections.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Quynh H. Nguyen**  
**Patent Examiner**  
**Art Unit 2642**